

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cr-00261-RK-2
)	
FRANCIS CHENYI, SR.,)	
)	
Defendant.)	

ORDER

On August 1, 2024, Magistrate Judge Lajuana M. Counts issued her Report and Recommendation (Doc. 126) concluding that the Court should deny Defendant's Motion to Dismiss Indictment on Counts One and Two (Doc. 108). Defendant filed an objection to the Report and Recommendation. (Doc. 129.)

Pursuant to Federal Rule of Criminal Procedure 59(b)(3), a "district judge must consider de novo any objection to a magistrate judge's recommendation." After an independent, de novo review of the matter pursuant to 28 U.S.C. § 636(b)(1)(C), including a review of the applicable law and Defendant's objections, the Court accepts the findings and recommendations made by Magistrate Judge Lajuana M. Counts in full. Accordingly, it is hereby

ORDERED that the Report and Recommendation of Magistrate Judge Lajuana M. Counts (Doc. 126) is **ADOPTED**. It is further

ORDERED that Defendant's objection (Doc. 129) is **OVERRULED**.¹ It is further

ORDERED that Defendant's Motion to Dismiss Indictment on Counts One and Two (Doc. 108) is **DENIED**.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: September 25, 2024

¹ Defendant objects to the Report and Recommendation to the extent it forecloses the lawful combatant immunity defense. (Doc. 129 at 4.) The United States has not yet moved in limine to preclude this defense, (Doc. 130 at 4), and the Court concludes nothing in the Report and Recommendation forecloses the Defendant from raising it at a later point.